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April 24, 2014

Jeff S. Jordan
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Mr. Jordan:

Re: MUR 6780; Response of PURE Political Action Committee and Jeff Timmer, Treasurer (PURE PAC)

This office represents PURE PAC, which has received a complaint (the "Complaint") designated Matter Under Review ("MUR") 6780 by the Federal Election Commission (the "Commission"). Attached are Designation of Counsel Statements executed by PURE PAC. This letter responds to the Complaint filed with the Commission on or about February 5, 2014 by Garrett Arwa, on behalf of the Michigan Democratic Party that infers (but does not allege) coordination between PURE PAC and a Senate campaign with regard to certain public advertising.

PURE PAC denies coordinating its activities with any campaign. Furthermore, the Complaint's general speculation that coordination "appears" to have occurred is insufficient to find reason to believe that PURE PAC violated the Federal Election Campaign Act of 1971 as amended (the "Act"). It cannot be overemphasized that the Complaint's sole allegation of coordination is based on a comment from United

¹ See Complaint, page 3.

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States Senate candidate Terri Lynn Land where she supposedly "admitted" coordination with unnamed Super PACs at an August, 2013 event.² However, PURE PAC did not exist until September 9, 2013!³ Therefore, it is impossible for PURE PAC to have conducted any coordinated activity with any campaign in August, 2013 prior to its formation.

Significantly, the Complaint stops short of actually alleging a violation of the Act:

"In other words, it appears that Land, or other representatives of her campaign, had meetings with groups that are required to maintain their independence, and secured their commitment to run campaign ads to help in the Michigan Senate race."⁴ (emphasis added).

Rather, the Complaint is left to conclude only that a violation "appears" to have occurred and does not allege that a violation actually "has occurred" thereby requiring its dismissal under the Act.⁵

But the Complaint not only speculates that a violation of the Act "appears" to have occurred, but then engages in further deception by hinting (but not alleging) that PURE PAC illegally coordinated with Terri Lynn Land for Senate by the mere fact that PURE PAC disseminated political advertising.⁶

Again, at no time does the Complaint allege: (1) that a violation of the Act "has occurred"; or (2) that PURE PAC violated the Act.

These omissions are meaningful. The Act requires that a complaint "shall be made under penalty of perjury."⁷ Given the absence of any facts establishing a violation of the Act, a conclusion that a violation had, in fact, occurred would be the basis of a perjury charge. The Complaint carefully avoids that problem by not alleging an actual violation of the Act or that PURE PAC violated the Act.

Accordingly, the Complaint is deficient on its face. The Commission regulations state that a complaint "should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and . . . [i]t should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the

² Complaint, pages 2-3.

³ See PURE PAC's Statement of Organization filed with the Commission on September 9, 2013 and readily available to the Complainant, who deceptively chose not to reference this fact to the Commission.

⁴ Complaint, page 3

⁵ 2 U.S.C. §437g(a)(1) allows a person to file a complaint only if the person believes that a violation of the Act "has occurred" not "appears to have occurred."

⁶ See Complaint, page 3.

⁷ 2 U.S.C. §437g(a)(1).

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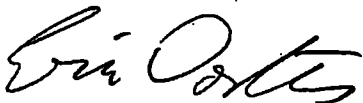
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complainant."⁸ The Complaint does not meet this standard and forces PURE PAC into responding to pure speculation. The enforcement system will be abused unless the Commission requires concrete and specific factual information as required by Commission regulations. Stated differently, unless the Commission takes its pleadings standard seriously, the Commission procedures increasingly will be abused as a governmentally-sanctioned political weapon against core First Amendment activity. Accordingly, the Commission should summarily dismiss the Complaint under 11 C.F.R. §111.5.

To the extent that PURE PAC is forced to submit a response in this matter, the attached affidavit of Jeff Timmer demonstrates that any charges are baseless and subject to dismissal under 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6. In contrast to the conjecture set forth in the Complaint, the Timmer affidavit demonstrates that PURE PAC did not coordinate its activities with Terri Lynn Land for Senate. But again, PURE PAC should not have been put to the burden of making such a demonstration and the Commission need not rely on it to dispose of the Complaint. Nonetheless, if the Commission does determine to examine the merits of the Complaint, as demonstrated by the Timmer affidavit, the Commission should find that there is no reason to believe that PURE PAC violated the Federal Election Campaign Act and the Complaint should be dismissed.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC



Eric E. Doster

/mka

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⁸ 11 C.F.R. §111.4(d)(3) and (4).



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use *one* form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6780

NAME OF COUNSEL: Eric Doster

FIRM: Foster Swift Collins & Smith PC

ADDRESS: 313 S. Washington Square, Lansing Michigan 48933

TELEPHONE- OFFICE (517) 371-8241

FAX (517) 8200 **Web Address** _____

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/24/14
Date

[Signature]
Respondent/Agent -Signature

Treasurer
Title(Treasurer/Candidate/Owner)

RESPONDENT: Jeff Timmer
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 106 W. Allegan, Suite 200
(Please Print)

Lansing, MI 48933

TELEPHONE- HOME (_____) _____

BUSINESS (517) 267-9012

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation



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